

## **IC 33-37-5**

### **Chapter 5. Collection of Additional Fees**

#### **IC 33-37-5-1**

##### **Preparing transcript or copy of record; fee**

Sec. 1. (a) This section applies to a document fee for preparing a transcript or copy of any record. However, this section does not apply to either of the following:

- (1) The preparation or copying of a record:
  - (A) through the use of enhanced access under IC 5-14-3; or
  - (B) by a governmental entity using an electronic device.
- (2) The transmitting of a document by facsimile machine or other electronic device.

(b) Except as provided in subsection (c), the clerk shall collect a fee of one dollar (\$1) per legal size or letter size page, including a page only partially covered with writing.

(c) The legislative body of a county may adopt by ordinance a schedule of document fees to be collected by a clerk under this section. If an ordinance has been adopted, the clerk shall collect document fees according to the schedule. However, the document fee collected by the clerk under this subsection may not exceed one dollar (\$1) per legal size or letter size page, including a page only partially covered with writing.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-2**

##### **Clerk's record perpetuation fund**

Sec. 2. (a) Each clerk shall establish a clerk's record perpetuation fund. The clerk shall deposit all the following in the fund:

- (1) Revenue received by the clerk for transmitting documents by facsimile machine to a person under IC 5-14-3.
- (2) Document storage fees required under section 20 of this chapter.
- (3) The late payment fees imposed under section 22 of this chapter that are authorized for deposit in the clerk's record perpetuation fund under IC 33-37-7-1 or IC 33-37-7-2.

(b) The clerk may use any money in the fund for the following purposes:

- (1) The preservation of records.
- (2) The improvement of record keeping systems and equipment.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-3**

##### **Document fee; certificate under seal**

Sec. 3. Notwithstanding IC 5-14-3, the clerk shall collect a document fee of one dollar (\$1) for each certificate under seal attached in authentication of a copy of any record, paper, or transcript.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-4**

##### **Document fee; transcript of judgment to become real estate lien**

Sec. 4. The clerk shall collect a document fee of three dollars (\$3) for preparing or recording a transcript of a judgment to become a lien on real estate.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-5**

##### **Forwarding document fees**

Sec. 5. The clerk shall forward document fees collected under this chapter to the county auditor or city or town fiscal officer in accordance with IC 33-37-7-12(a).

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-6**

##### **Support and maintenance payments; fees**

Sec. 6. (a) This section applies to an action in which a final court order requires a person to pay support or maintenance payments through the clerk.

(b) The clerk shall collect a fee in addition to support and maintenance payments. The fee is the following:

(1) Twenty dollars (\$20) for the calendar year in which the initial order is entered, unless the first payment is due after June 30 of that calendar year.

(2) Ten dollars (\$10) for the calendar year in which the initial order was entered, if the first payment is due after June 30 of that calendar year.

(3) In each subsequent year in which the initial order or a modified order is in effect, twenty dollars (\$20) if the fee is paid before February 1, or thirty dollars (\$30) if paid after January 31.

(c) The fee required under subsection (b) is due at the time that the first support or maintenance payment for the calendar year in which the fee must be paid is due.

(d) The clerk may not deduct the fee from a support or maintenance payment.

(e) Except as provided under IC 33-32-4-6, IC 33-37-7-1(g), and IC 33-37-7-2(g), the clerk shall forward the fee collected under this section to the county auditor in accordance with IC 33-37-7-12(a).

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-7**

##### **Marijuana eradication program fee**

Sec. 7. (a) This section applies to criminal actions.

(b) The clerk shall collect the marijuana eradication program fee set by the court under IC 15-3-4.6-4.1 if:

(1) a weed control board has been established in the county under IC 15-3-4.6-1; and

(2) the person has been convicted of an offense under IC 35-48-4 in a case prosecuted in that county.

(c) The court may set a fee under this section of not more than three hundred dollars (\$300).

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-8**

#### **Alcohol and drug services program fee; law enforcement continuing education program fee**

Sec. 8. (a) This section applies to criminal, infraction, and ordinance violation actions. However, it does not apply to a case excluded under IC 33-37-4-2(d).

(b) The clerk shall collect the alcohol and drug services program fee set by the court under IC 12-23-14-16 in a county that has established an alcohol and drug services program.

(c) In each action in which a defendant is found to have:

- (1) committed a crime;
- (2) violated a statute defining an infraction; or
- (3) violated an ordinance of a municipal corporation;

the clerk shall collect a law enforcement continuing education program fee of three dollars (\$3).

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-9**

#### **Drug abuse, prosecution, interdiction, and correction fee**

Sec. 9. (a) This section applies to criminal actions.

(b) The court shall assess a drug abuse, prosecution, interdiction, and correction fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000) against a person convicted of an offense under IC 35-48-4.

(c) In determining the amount of the drug abuse, prosecution, interdiction, and correction fee assessed against a person under subsection (b), a court shall consider the person's ability to pay the fee.

(d) The clerk shall collect the drug abuse, prosecution, interdiction, and correction fee set by the court when a person is convicted of an offense under IC 35-48-4.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-10**

#### **Countermeasures fee; collection**

Sec. 10. (a) The clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200) in each action in which:

- (1) a person is found to have:
  - (A) committed an offense under IC 9-30-5;
  - (B) violated a statute defining an infraction under IC 9-30-5;or
  - (C) been adjudicated a delinquent for an act that would be an offense under IC 9-30-5, if committed by an adult; and
- (2) the person's driving privileges are suspended by the court or the bureau of motor vehicles as a result of the finding.

(b) The clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200) in each action in which:

- (1) a person is charged with an offense under IC 9-30-5; and
- (2) by a plea agreement or an agreement of the parties that is approved by the court:

(A) judgment is entered for an offense under:

- (i) IC 9-21-8-50;
- (ii) IC 9-21-8-52;
- (iii) IC 7.1-5-1-3; or
- (iv) IC 7.1-5-1-6; and

(B) the defendant agrees to pay the alcohol and drug countermeasures fee.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-11**

#### **Alcohol abuse deterrent fee; medical fee; collection**

Sec. 11. (a) This section applies to an action in a circuit court in a county that has established a program under IC 9-30-9.

(b) The probation department shall collect an alcohol abuse deterrent program fee and a medical fee set by the court under IC 9-30-9-8 and deposit the fee into the supplemental adult probation services fund.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-12**

#### **Child abuse prevention fee**

Sec. 12. The court shall order a person to pay a child abuse prevention fee of one hundred dollars (\$100) to the clerk in each criminal action in which:

- (1) the person is found to have committed the offense of:

- (A) murder (IC 35-42-1-1);
- (B) causing suicide (IC 35-42-1-2);
- (C) voluntary manslaughter (IC 35-42-1-3);
- (D) reckless homicide (IC 35-42-1-5);
- (E) battery (IC 35-42-2-1);
- (F) rape (IC 35-42-4-1);
- (G) criminal deviate conduct (IC 35-42-4-2);
- (H) child molesting (IC 35-42-4-3);
- (I) child exploitation (IC 35-42-4-4);
- (J) vicarious sexual gratification (IC 35-42-4-5);
- (K) child solicitation (IC 35-42-4-6);
- (L) incest (IC 35-46-1-3);
- (M) neglect of a dependent (IC 35-46-1-4);
- (N) child selling (IC 35-46-1-4); or
- (O) child seduction (IC 35-42-4-7); and

- (2) the victim of the offense is less than eighteen (18) years of age.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-13**

**Domestic violence prevention and treatment fee**

Sec. 13. The court shall order a person to pay a domestic violence prevention and treatment fee of fifty dollars (\$50) to the clerk in each criminal action in which:

- (1) the person is found to have committed the offense of:
  - (A) murder (IC 35-42-1-1);
  - (B) causing suicide (IC 35-42-1-2);
  - (C) voluntary manslaughter (IC 35-42-1-3);
  - (D) reckless homicide (IC 35-42-1-5);
  - (E) battery (IC 35-42-2-1);
  - (F) domestic battery (IC 35-42-2-1.3); or
  - (G) rape (IC 35-42-4-1); and
- (2) the victim:
  - (A) is a spouse or former spouse of the person who committed an offense under subdivision (1);
  - (B) is or was living as if a spouse of the person who committed the offense of domestic battery under subdivision (1)(F); or
  - (C) has a child in common with the person who committed the offense of domestic battery under subdivision (1)(F).

*As added by P.L.98-2004, SEC.16.*

**IC 33-37-5-14****Highway work zone fee; application**

Sec. 14. (a) This section applies to criminal, infraction, and ordinance violation actions that are traffic offenses (as defined in IC 9-30-3-5).

(b) The clerk shall collect a highway worksite zone fee of fifty cents (\$0.50). However, the clerk shall collect a highway worksite zone fee of twenty-five dollars and fifty cents (\$25.50) if:

- (1) the criminal action, infraction, or ordinance violation is:
  - (A) exceeding a worksite speed limit (as provided in IC 9-21-5-2 and authorized by IC 9-21-5-3); or
  - (B) failure to merge (as provided in IC 9-21-8-7.5); and
- (2) the judge orders the clerk to collect the fee for exceeding a worksite speed limit or failure to merge.

*As added by P.L.98-2004, SEC.16.*

**IC 33-37-5-15****Service of process fee**

Sec. 15. (a) The sheriff shall collect from the person who filed the civil action a service of process fee of forty dollars (\$40), in addition to any other fee for service of process, if:

- (1) a person files a civil action outside Indiana; and
- (2) a sheriff in Indiana is requested to perform a service of process associated with the civil action in Indiana.

(b) A sheriff shall transfer fees collected under this section to the county auditor of the county in which the sheriff has jurisdiction.

(c) The county auditor shall deposit fees collected under this section:

- (1) in the pension trust established by the county under IC 36-8-10-12; or
- (2) if the county has not established a pension trust under IC 36-8-10-12, in the county general fund.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-16**

#### **Judgments; collection, transfer, and deposit of funds**

Sec. 16. In addition to any other duties, a clerk shall do the following:

- (1) Collect and transfer additional judgments to a county auditor under IC 9-18-2-41.
- (2) Deposit funds collected as judgments in the state highway fund under IC 9-20-18-12.
- (3) Deposit funds in the conservation officers fish and wildlife fund under IC 14-22-38-4, IC 14-22-38-5, and IC 14-22-40-8.
- (4) Deposit funds collected as judgments in the state general fund under IC 34-28-5-4.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-17**

#### **Deferred prosecution fees**

Sec. 17. (a) This section applies to actions in which the court defers prosecution under IC 33-39-1-8.

(b) In each action in which prosecution is deferred, the clerk shall collect from the defendant a deferred prosecution fee of fifty dollars (\$50) for court costs.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-18**

#### **Safe schools fee**

Sec. 18. (a) In each criminal action in which a person is convicted of an offense in which the possession or use of a firearm was an element of the offense, the court shall assess a safe schools fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000).

(b) In determining the amount of the safe schools fee assessed against a person under subsection (a), a court shall consider the person's ability to pay the fee.

(c) The clerk shall collect the safe schools fee set by the court when a person is convicted of an offense in which the possession or use of a firearm was an element of the offense.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-19**

#### **Criminal conviction; jury fees**

Sec. 19. (a) The clerk shall collect a jury fee of two dollars (\$2) in each action in which a defendant is found to have committed a crime, violated a statute defining an infraction, or violated an ordinance of a municipal corporation.

(b) The fee collected under this section shall be deposited into the county user fee fund established by IC 33-37-8-5.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-20**

##### **Document storage fee**

Sec. 20. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect a document storage fee of two dollars (\$2).

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-21**

##### **Automated record keeping fee**

Sec. 21. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect the following automated record keeping fee:

(1) Seven dollars (\$7) after June 30, 2003, and before July 1, 2009.

(2) Four dollars (\$4) after June 30, 2009.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-21.2**

##### **Judicial administration fee**

Sec. 21.2. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding for an infraction violation.

(3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial administration fee of, in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two dollars (\$2).

(b) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have violated an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a judicial administration fee of, in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two dollars (\$2).

*As added by P.L.85-2004, SEC.23.*

#### **IC 33-37-5-22**

##### **Late payment fee**

Sec. 22. (a) Except as provided in subsection (e), this section applies to an action if all the following apply:

(1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:

(A) committed a crime;

- (B) violated a statute defining an infraction;
- (C) violated an ordinance of a municipal corporation; or
- (D) committed a delinquent act.
- (2) The defendant is required to pay:
  - (A) court costs, including fees;
  - (B) a fine; or
  - (C) a civil penalty.
- (3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.
- (4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:
  - (A) The end of the business day on which the court enters the conviction or judgment.
  - (B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.
- (b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).
- (c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars (\$25) from a defendant described in subsection (a).
- (d) Notwithstanding IC 33-37-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.
- (e) A plaintiff or defendant in an action under IC 33-34 shall pay a late fee of twenty-five dollars (\$25) if the plaintiff or defendant:
  - (1) is required to pay court fees or costs under IC 33-34-8-1;
  - (2) is not determined by the court imposing the court costs to be indigent; and
  - (3) fails to pay the costs in full before the later of the following:
    - (A) The end of the business day on which the court enters the judgment.
    - (B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-23**

#### **Sexual assault victims assistance fee**

Sec. 23. (a) This section applies to criminal actions.

(b) The court shall assess a sexual assault victims assistance fee of at least two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) against an individual convicted in Indiana of any of the following offenses:

- (1) Rape (IC 35-42-4-1).



- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a Class A or Class B felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-24**

#### **Drug court fee**

Sec. 24. (a) This section applies to a proceeding in a drug court under IC 12-23-14.5.

(b) The clerk shall collect a drug court fee if payment of the fee is ordered by a drug court under IC 12-23-14.5-12.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-25**

#### **Judicial insurance adjustment fee**

Sec. 25. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-19-1-1, the clerk shall collect a judicial insurance adjustment fee of one dollar (\$1).

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a judicial insurance adjustment fee of one dollar (\$1).

*As added by P.L.95-2004, SEC.11.*